



Montana Coalition
Against Domestic & Sexual Violence

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To: House Judiciary Committee

From: Sarah Rossi, Public Policy Director

Re: HB 104 – Criminal Offenses Involving
Death of an Unborn Child

Date: January 15, 2013

Mr. Chairman and Members of the House Judiciary Committee:

My name is Sarah Rossi. I am the Public Policy Director for the The Montana Coalition Against Domestic and Sexual Violence (MCADSV, for short). As a refresher we are the statewide advocacy organization for victims of domestic violence and sexual assault. We also advocate on behalf of the programs in your communities who provide services to battered women and sexual assault victims. In our continued effort to end violence against women, we are here to oppose HB 104.

We and our partner organizations have supported different proposals in past legislative sessions that sought to institute a sentencing enhancement under assault statutes in the criminal code. This enhancement would have increased the penalty for assault when the victim was a pregnant woman, instead of adding “unborn child” to the homicide statutes. Proposals like these were amenable to the domestic violence community for a few reasons: the focus of the legislation was on the woman herself, protections for pregnant women under the assault statute are easier to implement and prosecute, and there was no attempt to insert the term “unborn child” into state codes – which is a slippery slope to curtailing reproductive rights. Additionally, in states that have statutes similar to that proposed by HB 104, it is rarely utilized.

While proponents talk about homicides committed by strangers and other random acts of horrible violence, it is important to keep in mind that the vast majority of violence against pregnant women is perpetrated by their intimate or estranged partners. Random attacks on pregnant women, thankfully, are rare. But 300,000 pregnant women will be battered by their intimate partners this year. Homicide is the second leading cause of death for pregnant and recently pregnant women in the U.S. – usually at the hands of their husband or boyfriend. For these reasons, we encourage you to oppose HB 104 and instead support measures that are truly meant to combat violence against women. I am happy to suggest those to you as the session rolls on.